

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ARNTZEN et al.
 SERIAL NO : 09/918,937
 FILED : July 31, 2001
 TITLE : VACCINES EXPRESSED IN PLANTS

Grp./A.U. : 1638
 Examiner : COLLINS, Cynthia E.
 Conf. No. : 4815
 Docket No. : P00245USF

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated May 28, 2004, please amend the above-identified application as follows:

08/04/2004 GDUCKETT 00000011 260084 09918937
 Sale Ref: 00000011 DAH: 260084 09918937
 01 FC:2251 55.00 DA
 02 FC:2202 180.00 DA

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

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Date:

7/7/04

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☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9306.

HEIDI S. NEBEL

REMARKS

Applicants elect with traverse Group IX, claims 73-76 and 78-87, drawn to a vector for transforming a plant comprising a DNA sequence encoding a recombinant viral antigen protein, said protein being antigenic to an animal, classified in class 435, subclass 320.1.

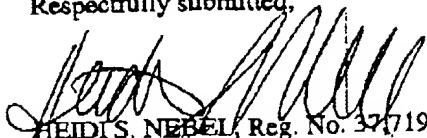
Applicants respectfully submit for the rejoinder of inventions IX and X. Applicants submit inventions IX and X are related, therefore restriction is not proper, first, inventions IX and X have the same classification. Therefore, a separate field of search would not be required. The Examiner states in the instant case, the different inventions have different effects because the vector of invention IX encodes a recombinant viral antigen protein, antigenic to an animal only, whereas the vector of invention X, encodes a recombinant viral antigen protein, antigenic to both humans and animals. Applicants traverse. The application discloses that the vector and plasmid vector are both capable of producing the same effect, an antigenic response in a different host; however, an antigenic response is attained nonetheless. Therefore Applicants respectfully submit the restriction of inventions IX and X is not proper and therefore should be withdrawn.

CONCLUSION

This is a request to extend the period for filing a response in the above-identified application for one month from June 28, 2004 to July 28, 2004. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$55.00 for one month to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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